

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

1 MARCH 2005

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, , Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: Councilmembers T. Dianne Bellamy-Small and Yvonne J. Johnson. Also present were J. Edward Kitchen, City Manager; Terry Wood, Chief Deputy City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Jason Martin, employee in the Engineering and Inspections Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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At the request of the Mayor, Councilmember Carmany moved to excuse Councilmembers Bellamy-Small and Johnson from attendance at this meeting. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

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The Mayor recognized members of Boy Scout Troop 23, Covenant Bible Church, and 314 Troop, Saint Andrews Episcopal Church, who were attending the meeting to meet citizenship and merit qualifications.

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At the Mayor's request, Councilmember Burroughs-White introduced, read into the minutes and moved adoption of the resolution honoring the memory of The Reverend Theodore Hall Partrick. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

49-05 RESOLUTION HONORING THE MEMORY THE REVEREND THEODORE HALL PARTRICK

WHEREAS, on February 11, 2005, this community lost one of its outstanding community leaders with the death of the Reverend Theodore Hall Partrick at the age of 82;

WHEREAS, Reverend Partrick was a native of Plymouth, North Carolina and spent most of his childhood in Scotland Neck, before moving to Raleigh;

WHEREAS, he was a graduate of Virginia Episcopal School and from UNC – Chapel Hill, where he taught math for two years, was inducted into Phi Beta Kappa and lettered in cross country and track;

WHEREAS, he served in World War II in the American Field Service as a field ambulance driver with the First French Army in France and Germany;

WHEREAS, in the late spring of 1949 Hall was ordained in the Episcopal Church and went on to serve at Christ Church in Albermarle and, over a fourteen year period, directed the Episcopal theological seminaries in Haiti and in Mexico and initiated graduate studies leading to an M.A. and PhD. From the University of Chicago;

WHEREAS, the Reverend and his family located to Greensboro in 1967 where he was an associate professor of history at N.C.A&T State University and vicar of Christ Church in Walnut Cove and later became a full professor and assistant to the rector at Holy Trinity Church;

WHEREAS, in 1983, Hall helped organize the Episcopal Church of the Holy Spirit in Greensboro where he served as vicar until his retirement in 1989 and was a member of the Cursillo movement for a number of years;

WHEREAS, other interests include working for racial justice and harmony, advocating for low income housing, prison ministries, public witness against wars in Southeast and Southwest Asia and against capital punishment and in research for and writing his "Traditional Egyptian Christianity: a History of the Coptic Orthodox Church";

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by The Reverend Theodore Hall Partrick, the outstanding contributions he has made to the community, and the legacy he leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of The Reverend Theodore Hall Partrick.
2. That a copy of this resolution shall be delivered to the family of the late Reverend Partrick as a symbol of the gratitude of the people of Greensboro for his many contributions to this community.

(Signed) Claudette Burroughs-White

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After Mayor Holliday advised that Council had received a request to continue the first two public hearing items on the agenda and read the two items into the record, Councilmember Gatten moved the continue to the March 15, 2005 Council meeting, without further advertising, the ordinance annexing territory to the corporate limits located east of Battleground Avenue and north of Horse Pen Creek Road—40.54 acres. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council. Councilmember Gatten moved to continue to the March 15, 2005 Council meeting, without further advertising, the ordinance establishing original zoning classification from County Zoning RS-40 residential Single Family and rezoning from City Zoning RS-20 Residential Single Family, RS-12 Residential Single Family, Conditional District—RM-5 Residential Multifamily, General Office Moderate Intensity, Highway Business and Conditional District—General Business to City Zoning Conditional District-Planned Unit Development for property located on the north side of Old Battleground Road between US 220 North (Battleground Avenue) and Michaux Road/White Horse Drive. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 5815 and 5817 High Point Road—6.281 acres and thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Conditional Use-Limited Office to City Zoning Conditional District—Limited Office for property located on the southeast side of High Point Road south of Suttonwood Drive; an ordinance annexing

territory to the corporate limits located in the Sutton Oaks Subdivision—31.45 acres; and an ordinance establishing original zoning classification from County Zoning Conditional Use—RS-20 Residential Single Family and Conditional Use-RS-20 Residential Single Family to City Zoning Conditional District—RS-20 residential Single Family for property located on the south side of Suttonwood Drive north of Scotland Road and west of Rockingham Road north.

In response to an inquiry by Councilmember Gatten, the Deputy City Attorney agreed that her position as a member of the Moses Cone Board would not conflict with her voting on these matters because she was not compensated for her service.

Richard “Dick” Hails, Planning Department Director, used a map and photos to illustrate the properties proposed for annexation and original zoning, provided details with regard to the two annexations and accompanying zoning proposals, and stated that the Zoning Commission, Planning Board and staff recommended approval of these ordinances.

Mayor Holliday asked if anyone wished to be heard.

Steve Carihfield, residing at 3308 Gaston Road, representing the Sedgefield Community Association, offered opinions about the first annexation and original zoning and stated that he and the Association were not negative about these items.

Expressing opposition to the second proposed annexation and original zoning, Mr. Carihfield reviewed the history of the property, provided information with regard to past and intended property uses, and offered his opinions with respect to the proposed annexation and original zoning. He stated that he did not believe the proposed development was in the best interest of the community and would change the neighborhood, he believed Sedgefield was a unique community, there was no reason to annex this property, and requested Council to deny the annexation and zoning request.

Brief discussion was held with regard to North Carolina’s annexation law, the rationale for annexation, and the fact that the property owner had requested annexation of this property because he wanted Greensboro water and sewer for the development.

Councilmember Gatten moved to close the public hearing for the annexation and zoning items. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

Presenting the staff recommendation, Mr. Hails advised that both annexations were utility agreement driven and that staff recommended approval of the annexations and original zonings.

Councilmember Gatten moved adoption of the ordinance annexing territory to the corporate limits located at 5815 and 5817 High Point Road—6.281 acres. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

**05-45 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5815 AND 5817 HIGH POINT ROAD – 6.281 ACRES)**

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at an existing iron pipe in the southeast right-of-way line of High Point Road on the northeast line of Lot 54 on plat of Jno. A. Suits Homeplace, recorded in Plat Book 13, Page 43 in the Office of the Register of Deeds of Guilford County, said point also being the westernmost corner of the property of The Moses H. Cone Memorial Hospital, described in Deed Book 3985, Page 1377 in the Office of the Register of Deeds; thence with the southeast right-of-way line of High Point Road N 44° 18’ 09” E 167.67 feet to an existing iron pipe marking a corner of the property of The Moses H. Cone Memorial Hospital, described in Deed Book 3986, Page 383 in the Office of the Register of Deeds; thence continuing with said right-of-way line of High Point Road N 37° 04’ 58” E 42.47 feet

to a point on a leaning concrete monument at the northwest corner of said Hospital, and being in the south line of Lot 108 on plat of Sedgfield, Section Three, recorded in Plat Book 11, Page 29 in the Office of the Register of Deeds; thence with said south line the following three courses and distances: 1) S 81° 22' 16" E 195.21 feet to an existing iron pipe in a concrete monument, 2) S 05° 44' 39" W 209.59 feet to an existing iron pipe in a concrete monument, and 3) S 84° 34' 33" E 229.75 feet to an existing iron pipe said pipe being located N 84° 34' 33" W 15.31 feet from the southeast corner of said Lot 108; thence S 02° 29' -37" W 526.87 feet to an existing concrete monument with disk; thence N 81° 03' 42" W 399.00 feet to a rebar set; thence N 03° 28' 53" E 212.97 feet to an existing pinched iron pipe; thence N 43° 46' 22" W 67.91 feet to an existing iron pipe at the southernmost corner of Lot 52 on said Suits plat, said Lot 52; thence with the east lines of Lots 52-54 on said plat N 02° 51' 50" E 203.34 feet to an existing iron pipe at the easternmost corner of Lot 54, also being the southernmost corner of the property of The Moses H. Cone Memorial Hospital, described in Deed Book 3985, Page 1377; thence with the northeast line of Lot 54 N 44° 12' 23" W 146.96 feet to the Point and Place of Beginning, and containing 6.281 acres more or less.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after May 31, 2005, the liability for municipal taxes for the 2004-2005 fiscal year shall be prorated on the basis of 1/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after May 31, 2005.

(Signed) Florence F. Gatten

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Councilmember Burroughs-White moved adoption of the ordinance establishing original zoning classification from County Zoning Conditional Use-Limited Office to City Zoning Conditional District—Limited Office for property located on the southeast side of High Point Road south of Suttonwood Drive. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

05-46 AMENDING OFFICIAL ZONING MAP

SOUTHEAST SIDE OF HIGH POINT ROAD SOUTH OF SUTTONWOOD DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – Limited Office to City Zoning Conditional District – Limited Office (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

Beginning at an existing iron pipe in the southeast right-of-way line of High Point Road on the northeast line of Lot 54 on plat of Jno. A. Suits Homeplace, recorded in Plat Book 13, Page 43 in the Office of the Register of

Deeds of Guilford County, said point also being the westernmost corner of the property of The Moses H. Cone Memorial Hospital, described in Deed Book 3985, Page 1377 in the Office of the Register of Deeds; thence with the southeast right-of-way line of High Point Road N 44° 18' 09" E 167.67 feet to an existing iron pipe marking a corner of the property of The Moses H. Cone Memorial Hospital, described in Deed Book 3986, Page 383 in the Office of the Register of Deeds; thence continuing with said right-of-way line of High Point Road N 37° 04' 58" E 42.47 feet to a point on a leaning concrete monument at the northwest corner of said Hospital, and being in the south line of Lot 108 on plat of Sedgfield, Section Three, recorded in Plat Book 11, Page 29 in the Office of the Register of Deeds; thence with said south line the following three courses and distances: 1) S 81° 22' 16" E 195.21 feet to an existing iron pipe in a concrete monument, 2) S 05° 44' 39" W 209.59 feet to an existing iron pipe in a concrete monument, and 3) S 84° 34' 33" E 229.75 feet to an existing iron pipe said pipe being located N 84° 34' 33" W 15.31 feet from the southeast corner of said Lot 108; thence S 02° 29' -37" W 526.87 feet to an existing concrete monument with disk; thence N 81° 03' 42" W 399.00 feet to a rebar set; thence N 03° 28' 53" E 212.97 feet to an existing pinched iron pipe; thence N 43° 46' 22" W 67.91 feet to an existing iron pipe at the southernmost corner of Lot 52 on said Suits plat, said Lot 52; thence with the east lines of Lots 52-54 on said plat N 02° 51' 50" E 203.34 feet to an existing iron pipe at the easternmost corner of Lot 54, also being the southernmost corner of the property of The Moses H. Cone Memorial Hospital, described in Deed Book 3985, Page 1377; thence with the northeast line of Lot 54 N 44° 12' 23" W 146.96 feet to the Point and Place of Beginning, and containing 6.281 acres more or less.

Section 2. That the original zoning to Conditional District – Limited Office is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Medical and health care offices and facilities, laboratories, and accessory and ancillary uses.
- 2) The property shall be developed in accordance with the zoning sketch plan.
- 3) A 50-foot buffer meeting the specifications of a Type "A" planting yard shall be provided along the rear and portions of the side yard lines as shown on the sketch plan.
- 4) Existing trees as shown and identified on the zoning sketch plan shall be retained and left undisturbed to the extent practical.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Claudette Burroughs-White

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Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits located in the Sutton Oaks Subdivision—31.45 acres. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

05-47 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED IN THE SUTTON OAKS SUBDIVISION – 31.45 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of January 31, 2005), said point being the southernmost corner of Lot 110 on Sheet "A" of Section Three of Sedgfield, as recorded at Plat Book 11, Page 29 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING

CITY LIMITS N 40° 57' E approximately 60.09 feet along the southeast line of said Lot 110 to the southernmost corner of Kimberly L. Townsend, as recorded in Deed Book 4217, Page 926 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 39° 00' 26" E approximately 200 feet along the southeast line of Townsend to a point on the south right-of-way line of Suttonwood Drive; thence in an easterly direction along said right-of-way line approximately 836 feet to the northeast corner of Sutton Oaks, LLC, also being the northeast corner of Lot 102 on Sheet "A" of Section Three of Sedgfield; thence S 03° 13' 21" W 332.34 feet along the east line of said Lot 102 to its southeast corner; thence S 03° 05' 12" W 10.01 feet, crossing a bridle path, to a point; thence S 01° 09' 59" W 818.10 feet along the east line of Sutton Oaks, LLC to an existing concrete monument at the northeast corner of Mertys C. Bell, as recorded at Deed Book 2459, Page 735 in the Office of the Register of Deeds; thence N 82° 16' 00" W 422.26 feet along the north line of Mertys C. Bell and the north line of George M. and Barbara K. Barker, as recorded at Deed Book 2492, Page 49 in the Office of the Register of Deeds, to Barker's northwest corner; thence S 04° 57' 51" E 250.21 feet along Barker's west line to the southeast corner of Lot 3b of Elsiewood, as recorded at Plat Book 13, Page 24 in the Office of the Register of Deeds; thence S 13° 19' 09" E 16.07 feet to a point in the north right-of-way line of Scotland Road; thence with said right-of-way line with a curve to the left with a radius of 584.74 feet and a chord bearing and distance of S 67° 35' 46" W 161.47 feet to a point; thence N 47° 17' 29" W 45.58 feet to a point in the former centerline of Queen Alice Road; thence with said former centerline with a curve to the right having a radius of 2,208.09 feet and a chord bearing and distance of S 89° 09' 56" W 413.53 feet to a point; thence N 04° 11' 54" E 24.65 feet to a point in the south line of Lot 6a of Elsiewood; thence with the former north right-of-way line of Queen Alice Road S 85° 15' 49" E 28.99 feet to the southeast corner of said Lot 6a; thence in a northerly direction with the east line of said Lot 6a approximately 335 feet to the northeast corner of said Lot 6a; thence N 82° 16' 00" W approximately 150 feet along the north lines of said Lot 6a and Lot 7b of said subdivision to an existing concrete monument; thence N 03° 03' 43" E 784.56 feet with the west line of Sutton Oaks, LLC to a point on the south line of Thomas J. Jr. and Patricia P. Bivens, as recorded at Deed Book 3190, Page 487 in the Office of the Register of Deeds; thence S 83° 57' 42" E 15.35 feet with said south line to Bivens' southernmost corner; thence N 04° 02' 00" E 157.72 feet with Bivens' east line to the southernmost corner of Lot 109 on Sheet "A" of Section Three of Sedgfield; thence N 39° 00' 26" E approximately 130 feet with the southeast line of said Lot 109 to the point and place of BEGINNING, containing approximately 31.45 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after May 31, 2005, the liability for municipal taxes for the 2004-2005 fiscal year shall be prorated on the basis of 1/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after May 31, 2005.

(Signed) Thomas M. Phillips

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Councilmember Carmany moved adoption of the ordinance establishing original zoning classification from County Zoning Conditional Use-RS-20 Residential Single Family and Conditional Use-RS-20 Residential Single Family to City Zoning Conditional District—RS-20 Residential Single Family for property located on the south side of Suttonwood Drive north of Scotland Road and west of Rockingham Road north. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

#### 05-48 AMENDING OFFICIAL ZONING MAP

#### SOUTH SIDE OF SUTTONWOOD DRIVE NORTH OF SCOTLAND ROAD AND WEST OF ROCKINGHAM ROAD NORTH

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – RS-20 Residential Single Family and Conditional Use – RS-20 Residential Single Family to City Zoning Conditional District – RS-20 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of January 31, 2005), said point being the southernmost corner of Lot 110 on Sheet “A” of Section Three of Sedgefield, as recorded at Plat Book 11, Page 29 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 40° 57’ E approximately 60.09 feet along the southeast line of said Lot 110 to the southernmost corner of Kimberly L. Townsend, as recorded in Deed Book 4217, Page 926 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 39° 00’ 26” E approximately 200 feet along the southeast line of Townsend to a point on the south right-of-way line of Suttonwood Drive; thence in an easterly direction along said right-of-way line approximately 836 feet to the northeast corner of Sutton Oaks, LLC, also being the northeast corner of Lot 102 on Sheet “A” of Section Three of Sedgefield; thence S 03° 13’ 21” W 332.34 feet along the east line of said Lot 102 to its southeast corner; thence S 03° 05’ 12” W 10.01 feet, crossing a bridle path, to a point; thence S 01° 09’ 59” W 818.10 feet along the east line of Sutton Oaks, LLC to an existing concrete monument at the northeast corner of Mertys C. Bell, as recorded at Deed Book 2459, Page 735 in the Office of the Register of Deeds; thence N 82° 16’ 00” W 422.26 feet along the north line of Mertys C. Bell and the north line of George M. and Barbara K. Barker, as recorded at Deed Book 2492, Page 49 in the Office of the Register of Deeds, to Barker’s northwest corner; thence S 04° 57’ 51” E 250.21 feet along Barker’s west line to the southeast corner of Lot 3b of Elsiewood, as recorded at Plat Book 13, Page 24 in the Office of the Register of Deeds; thence S 13° 19’ 09” E 16.07 feet to a point in the north right-of-way line of Scotland Road; thence with said right-of-way line with a curve to the left with a radius of 584.74 feet and a chord bearing and distance of S 67° 35’ 46” W 161.47 feet to a point; thence N 47° 17’ 29” W 45.58 feet to a point in the former centerline of Queen Alice Road; thence with said former centerline with a curve to the right having a radius of 2,208.09 feet and a chord bearing and distance of S 89° 09’ 56” W 413.53 feet to a point; thence N 04° 11’ 54” E 24.65 feet to a point in the south line of Lot 6a of Elsiewood; thence with the former north right-of-way line of Queen Alice Road S 85° 15’ 49” E 28.99 feet to the southeast corner of said Lot 6a; thence in a northerly direction with the east line of said Lot 6a approximately 335 feet to the northeast corner of said Lot 6a; thence N 82° 16’ 00” W approximately 150 feet along the north lines of said Lot 6a and Lot 7b of said subdivision to an existing concrete monument; thence N 03° 03’ 43” E 784.56 feet with the west line of Sutton Oaks, LLC to a point on the south line of Thomas J. Jr. and Patricia P. Bivens, as recorded at Deed Book 3190, Page 487 in the Office of the Register of Deeds; thence S 83° 57’ 42” E 15.35 feet with said south line to Bivens’ southernmost corner; thence N 04° 02’ 00” E 157.72 feet with Bivens’ east line to the southernmost corner of Lot 109 on Sheet “A” of Section Three of Sedgefield; thence N 39° 00’ 26” E approximately 130 feet with the southeast line of said Lot 109 to the point and place of BEGINNING, containing approximately 31.45 acres.

Section 2. That the original zoning of to Conditional District – RS-20 Residential Single Family is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Limited to single family detached dwellings, excluding modular, manufactured, and mobile dwellings.
- 2) 30-foot landscape easement as shown on drawing.
- 3) 20-foot common area on the south side of Suttonwood Drive as shown on preliminary drawing.
- 4) Average lot size will be 20,250 sq. ft. or greater with a range between 18,000 sq. ft. minimum lot size and 32,000 sq. ft. maximum lot size.
- 6) Minimum 3,000 sq. ft. heated house size per lot.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Sandy Carmany

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing on the basis of public necessity water main improvements for 6" water main to be installed in Carriage Lane from an existing 6" water main in Wagon Wheel Drive to approximately 1,050 feet east of Wagon Wheel Drive.

The Mayor asked if anyone wished to be heard.

Councilmember Gatten spoke briefly to efforts to provide assistance to the residents of Carriage Lane. There being no one present who wished to speak to this matter, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

#### C-260 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

#### 6"WATER MAIN TO BE INSTALLED IN CARRIAGE LANE FROM AN EXISTING 6" WATER MAIN IN WAGON WHEEL DRIVE TO APPROXIMATELY 1,050' EAST OF WAGON WHEEL DRIVE

WHEREAS, due notice has been given that on the 1st day of March, 2005 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

CARRIAGE LANE FROM AN EXISTING 6" WATER MAIN IN WAGON WHEEL DRIVE TO APPROXIMATELY 1,050' EAST OF WAGON WHEEL DRIVE

B. That the local improvements to be made on the street or streets set out above are as follows:



- (a) Water Main Improvements. A water main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the water main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Thomas M. Phillips

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Councilmember Vaughan moved adoption of the ordinance, resolutions and motions listed on the Consent Agenda. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

05-49 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR THE FISCAL YEAR 2005  
FTA SECTION 5303 PLANNING ASSISTANCE GRANT

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the GTA Planning and Grant Fund budget of the City of Greensboro is hereby amended as follows:

That the Grant Project Budget for the FY 2005 FTA Section 5303 Planning Assistance Grant be established for the life of the project by increasing the appropriation to the GTA Planning and Grant Fund as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4565-01.4110	Salaries & Wages	\$20,000
220-4565-01.4410	Longevity	\$ 323
220-4565-01.4510	FICA	\$ 1,270
220-4565-01.4520	Retirement	\$ 1,146
220-4565-01.4610	Health Coverage	\$ 1,829
220-4565-01.4650	Dental Coverage	\$ 105
220-4565-01.4710	Life Insurance	\$ 132
220-4565-01.5213	Office Supplies	\$ 500
220-4565-01.5214	Office Equipment/Furniture	\$ 1,500
220-4565-01.5413	Consultant Services	\$35,000
220-4565-01.5520	Seminar/Training Expenses	\$ 3,500
220-4565-01.5928	In-Kind Services	\$ 7,312
220-4565-01.5431	In-House Printing Services	<u>\$ 503</u>
Total		\$73,120

And, that this increase be financed by increasing the following revenues:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4565-01.7100	Federal Grant	\$58,496
220-4565-01.7110	State	\$ 7,312
220-4565-01.8695	In-Kind Services	<u>\$ 7,312</u>

Total

\$73,120

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Donald R. Vaughan

.....

50-05 RESOLUTION CALLING A PUBLIC HEARING FOR APRIL 5, 2005 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 4311 HICONE ROAD – 1.3 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 5th day of April, 2005, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 4311 HICONE ROAD – 1.3 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northeast corner of Fellowship Hall, Inc. on the south margin of Hicone Road (SR #2565); thence with the north line of Fellowship Hall, Inc. along the south margin of Hicone Road N 88° 47' 46" W approximately 280 feet to the intersection of said north line and the southward projection of the west line of property of John D. Love Oil Company, Inc., which property is shown on a survey drawing entitled "Property of Jack and Tom's Grocery" by Callicutt Surveyors, dated 12-2-88 and referencing Deed Book 1921, Page 608 in the Office of the Register of Deeds of Guilford County; thence N 18° 47' 20" E approximately 230 feet, crossing Hicone Road along said projection and then running with said west line, to the northwest corner of said property; thence S 74° 33' 11" E 244.81 feet with the north line of said property to its northeast corner; thence S 18° 44' W 170.08 feet with the east line of said property to its southeast corner, a point in the north right-of-way line of Hicone Road; thence in a southeasterly direction, crossing Hicone Road, approximately 70 feet to the point and place of BEGINNING, and containing approximately 1.3 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2005, the liability for municipal taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, April 5, 2005 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than March 26, 2005.

(Signed) Donald R. Vaughan

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51-05 RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR THE 16<sup>TH</sup> STREET BRIDGE PROJECT

WHEREAS, the City of Greensboro is doing construction work for the replacement of the 16<sup>th</sup> Street Bridge over the Norfolk Southern Railway tracks;

WHEREAS, to move forward with the preparation work for the construction stage of the project an Encroachment Agreement between the City of Greensboro and Norfolk Southern Railway is required;

WHEREAS, the owner has agreed to enter into an Agreement with the City of Greensboro which, among other things, will indemnify the City from any claim or damages that may occur due to the storm sewer line being located under the proposed building expansion;

WHEREAS, it is deemed in the best interest of the City to permit the encroachment of said building in accordance with the terms and conditions of an Agreement presented herewith this day:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro an appropriate Encroachment Agreement with Norfolk Southern Railway for the replacement of the 16<sup>th</sup> Street Bridge all in accordance with the terms and conditions set out therein.

(Signed) Donald R. Vaughan

.....

Motion to make a part of the minutes report of budget adjustments for January 1-31, 2005, was unanimously adopted. (A copy of the report is filed in Exhibit Drawer P, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

.....

Motion to approve the minutes of regular meeting of February 15, 2005, was unanimously adopted.

.....

Mayor Holliday introduced an ordinance amending Chapter 25 of the Greensboro Code of Ordinances with respect to Solid Waste. He thereupon introduced so the items could be discussed together, an ordinance amending in the amount of \$581,000 the solid Waste Management Fund Budget for FY 04-05 for Solid Waste Collection of attached units.

After brief comments by the City Manager with regard to the proposed code changes, he advised that the budget change, if adopted by Council, would authorize the use of the Solid Waste reserve to fund the acquisition of vehicles to provide this service and would carry approximately \$300,000 in operating costs in future budgets.

Jeryl Covington, Solid Waste Management Department Director, used a PowerPoint presentation to provide detailed information with regard to the Department's proposed service modification to attached homes; i.e., current level of service, the proposed modifications to Chapter 25 of the Code which detailed the attached units that would be served in the future, etc. Ms. Covington also reviewed potential conflicts that might impact the provision of this enhanced service at some attached units; i.e., parking, development style, turning radii, private roads, backing hazards, mixed development and service coordination. (A copy of the PowerPoint presentation and other information related to the presentation is filed in Exhibit Drawer P, Exhibit Number 5, which is hereby referred to and made a part of these minutes.)

After comments by some members of Council, Councilmember Phillips moved adoption of the ordinance amending Chapter 25 of the Greensboro Code of Ordinances with respect to Solid Waste. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

05-50 AN ORDINANCE AMENDING CHAPTER 25 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO SOLID WASTE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 25-2 of the Greensboro Code of Ordinances is hereby amended to read as follows:

**Sec. 25-2. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed in this section, except where the context clearly indicates a different meaning:

*Ashes* means residue resulting from the burning of wood, coal, coke or other combustible material.

*Attached unit* means two (2) or more **units sharing a common wall (excluding floor and ceiling) which each unit generates no more garbage per week than can be placed or stored in a maximum of two (2) automated containers totaling a combined capacity of no more than one hundred eighty (180) gallons when accumulated between collections.**

~~*Attached business unit* means a unit of two (2) or more business offices constructed as one (1) unit, such as a dental office, medical office, insurance office or any other business in which the major activity is providing a service or is clerical in nature and does not in itself produce a product.~~

*Automated recycling container* means the brown wheeled automated container owned by the city and provided for the collection of recyclable materials as defined in the city's "Recycle Greensboro" program.

*Automated refuse container* means the green wheeled refuse container owned by the city and provided for the collection of wet and dry garbage.

*Building material* means lumber, brick, stone, dirt, carpet, plumbing materials, plaster, concrete, floor coverings, roofing material, gutters and other materials or substances accumulated as a result of new construction, repairs, remodeling, or additions to existing structures or accessory structures or demolition of such.

*Bulk trash* means items too large to fit into an automated refuse container, such as large household furnishings, mattresses, box springs, dismantled swing sets (with concrete removed), clothesline poles (with concrete removed), lawn equipment (i.e. mowers, wheelbarrows), and similar large household items.

*City* means the City of Greensboro, North Carolina.

*City manager* means the person or persons designated by the city council to perform duties and responsibilities as chief executive officer for the City of Greensboro.

*Collection* means the act of removing solid waste from a point of generation to an approved disposal site.

*Collection on private property* means the act of removing solid waste from private developments for an additional fee from a point of generation to an approved disposal site. Collection shall be made at a mutually established location approved by the property manager and the solid waste manager or his designee for automated collection and rear packer collection.

*Construction/demolition debris landfill* means a sanitary landfill that is limited to receiving large stumps, concrete, brick, treated wood, and uncontaminated earth.

*Curblin*e means the line or edging along a street bordered by the street that forms part of the gutter.

*Environmental services director* means the person or persons designated by the city manager to perform duties and responsibilities as department head over the solid waste management division.

*Foul odors* means offensive odors emanating from, but not limited to, solid waste.

*Garbage (dry)* means the accumulation of any nonrecyclable articles from households or businesses, such as discarded clothing, toys, small appliances, sweepings, rags, packaging materials, which is associated with the operation of stores or offices but not associated with the production, distribution, warehousing, construction, or manufacturing of a product.

*Garbage (wet)* means animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incident thereto.

*Hazardous waste:* The following is an explanation of hazardous waste as published in the North Carolina Hazardous Waste Management Law adopted for the Federal Environmental Protection Agency (EPA). For the purposes of this chapter, the definition "hazardous waste" has been condensed. The terms defined are not inclusive of all items specified by the EPA regulations. Hazardous waste is defined as potentially dangerous byproducts of our highly industrialized society which cannot be handled, treated or disposed of without special precautions. It includes ignitable, corrosive, reactive and toxic waste such as acetone, gasoline and industrial alcohol, alkaline cleaners, acids, cyanide and chlorine, arsenic, pesticide wastes, paint, caustics, infected material, offal, fecal matter (human and animal), and explosives.

*Industrial waste* means all waste, including solids, semisolids, sludge and liquids created by factories, processing plants or other manufacturing enterprises.

*Inert debris* means solid waste that is composed of material that exhibits non-leaching characteristics such as uncontaminated soils, concrete, brick, concrete block, gravel and rock, and untreated and unpainted wood.

*Infectious waste* means a solid waste capable of producing an infectious disease. Examples of waste designated as infectious are: micro-biological waste, pathological waste, blood products, improperly packaged sharps and all other waste as defined in the medical waste management regulation under 15A NCAC 13B.1200 in North Carolina Solid Waste Management rules.

*Litter* means any discarded man-made materials including, but not limited to, solid waste materials, industrial materials, household trash, business trash, building materials, scrap materials and hazardous waste as such terms are defined in this chapter and not properly containerized or prepared for collection and disposal.

~~**Multifamily residential unit means two (2) or more single family dwellings constructed as one (1) unit, such as apartment houses, motels, mobile home parks, townhouses, patio houses, or condominiums. Duplexes/triplexes built on public streets are not considered multifamily residential units.**~~

*Physical disability* means a medical condition, verified by a registered physician, that makes an individual physically unable to bring the automated refuse/automated recycling container to the curbside for collection and where there is no one else residing in the household capable of taking the containers to the curbside.

*Premises* means lots, sidewalks, rights-of-way, grass strips or curbs up to the edge of the pavement of any public street.

*Private street* means a street not open to public use, on private property, and not maintained by any governmental agency.

*Private property* means all of that property as described and set out in an owner's deed including, but not limited to, yards, grounds, driveways, entrances or passageways, parking areas, storage areas, vacant land, bodies of water and including sidewalks, grass strips, one-half of alleys, curbs or rights-of-way up to the edge of the pavement of any public street.

*Public street* means the entire width between property lines, whatever nature, when any part thereof is dedicated or open to the use of the public as a matter of right for the purpose of vehicular or pedestrian traffic.

*Public property* means all that property except private property as herein defined, including but not limited to highways, streets, parks, recreation areas, sidewalks, grass strips, medians, curbs or rights-of-way up to the edge of the pavement of any public street or body of water.

*Public right-of-way* means land that is dedicated or otherwise legally established for public use.

*Recyclables* means items included in the city's "Recycle Greensboro" recycling program that includes but is not limited to selected glass, newsprint and accompanying inserts, magazines, aluminum, cardboard and other items determined to be recyclable by the solid waste manager.

*Refuse* means the accumulation of any solid waste.

*Sanitary landfill* means a facility for the disposal of solid waste on land in a sanitary manner in accordance with the North Carolina Solid Waste Management Rules.

*Single business unit* means any single nonresidential unit that generates no more garbage per week than can be placed or stored in a maximum of two (2) automated containers totaling a combined capacity of no more than one hundred eighty (180) gallons when accumulated between collections, such as a dental office, medical office, insurance office or an other business in which the major activity is providing a service or is clerical in nature and does not in itself produce a product.

*Single-family residential unit* means any dwelling place occupied by one (1) family. ~~**and not defined as a multifamily residential unit.**~~

*Solid waste* means accumulations consisting of any combination of business trash, wet or dry garbage, household trash, bulk items, yardwaste and recyclables.

*Solid waste manager* means the person or persons designated by the city manager to perform duties and responsibilities assigned by this chapter to the solid waste manager.

*Stationary recycling container* means any city approved container of a minimum capacity of six (6) cubic yards and having a maximum capacity of eight (8) cubic yards, made of watertight construction, and constructed so that the container can be emptied mechanically by means of a front loading recycling vehicle for the purpose of collection of recyclable material as defined in the city's "Recycle Greensboro" program.

*Stationary packing unit* means any city approved container of a minimum capacity of six (6) cubic yards and having a maximum capacity of eight (8) cubic yards, made of watertight construction, that contains a packing mechanism and an internal or external power unit, and constructed so that the container can be emptied mechanically by means of a front loading refuse vehicle for the purpose of collection of wet and dry garbage.

*Stationary refuse container* means any city approved container of a minimum capacity of six (6) cubic yards and having a maximum capacity of eight (8) cubic yards, made of watertight construction, and constructed so that the container can be emptied mechanically by means of a front loading refuse vehicle for the purpose of collection of wet and dry garbage.

*Unit* means one (1) single-family residence or an individual apartment, motel, mobile home, townhouse, patio house, condominium, cluster home ~~in a multifamily residence~~, unless otherwise specified by the city.

*Wastes* means all useless, unwanted, or discarded materials resulting from industrial, commercial, agricultural and residential activities.

*Yard waste* means grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials which are generated in the maintenance of yards and gardens, and which are collected separately from other solid waste materials, and placed at the curbside and taken to a compost facility for recycling.

Section 2: That Section 25-13 of the Greensboro Code of Ordinances is hereby amended to read as follows:

#### **Sec. 25-13 Curbside collection service**

City-served curbside collection services will be provided under the following conditions:

- (a) *Curbside collections scheduling.* City-served curbside collection services will be provided once a week on a day designated for collection by the solid waste manager or his designee. The day designated will be the same for all collection services offered by the solid waste management division. Solid waste shall not be placed at the curbside prior to the day preceding the scheduled collection day.

**(a1) Eligibility for Service Under this Section. All single family residents and single business units shall be eligible for service under this section. Additionally, the owner or owners of attached units in the same complex, are eligible to receive service under this section provided the following conditions are met:**

- 1. The units share a common wall only; and**
- 2. The units sharing the common wall have a driveway servicing only the attached units; and**
- 3. The units have sufficient service yard necessary to accommodate the City approved containers utilized to perform this service; and**
- 4. The unit generates no more garbage per week than can be placed or stored in a maximum of two (2) automated containers totaling a combined capacity of no more than one hundred eighty (180) gallons when accumulated between collections; and**
- 5. The unit is accessible over streets and bridges possessing a capacity and dimensions capable of bearing City vehicles performing the services described in this Section as determined by the Director of Environmental Service or his designee. The bearing capacity must be certified by a professional engineer and transmitted to the Director of Environmental Service or his designee for determination.**

- (b) *Approved solid waste containers.* ~~All households and single business units~~ **Eligible customers** shall use only city-approved containers for all solid waste removal by the city. The following provisions shall be complied with:

- (1) *Automated collection system.* Where the automated system is in use for the collection of wet and dry garbage and recyclables, the city approved automated containers shall have the capacity of approximately (90) gallons. The city shall provide one (1) ninety-gallon container for wet and dry garbage and one (1) ninety-gallon approved container for recyclables. Should this not be sufficient

storage between collections, the resident or business may purchase from the city one (1) additional automated container of either type for a fee. Businesses generating in excess of two-each 90-gallon automated containers (in excess of 180 gallons per week) of wet or dry garbage or of recyclables must convert to at least a 6-yard stationary container (dumpster).

(2) *Non-automated collection system.* All households and businesses not part of the automated collection system shall provide approved containers for all solid waste for removal by the city. Wet and dry garbage containers shall have a capacity of no more than thirty-two (32) gallons. The following provisions shall be complied with:

- a. Containers shall be cans made substantially of metal or plastic. Cans shall have tight-fitting covers and strong handles and the covers shall be kept on at all times except when cans are being filled or emptied. Plastic bags serving as approved containers for solid waste collection by city forces shall be properly secured at the bag opening with a twist tie or other means to eliminate any spillage of contents.
- b. Plastic bags to be used as wet and dry garbage containers shall be constructed from film made from high quality polyethylene or similar product. Bags shall withstand normal service handling when filled to a maximum weight of fifty (50) pounds when securely closed with a twist tie.

(c) *Placement of containers.*

(1) In order to collect solid waste, the owner or occupant of each business, or household shall place all solid waste in approved containers and place such solid waste containers between the curb or traveled portion of the street and the property line closest to the curb of the premises from which the same is placed at or before 7:00 a.m., on the day fixed for collection. Solid waste will be collected and removed on the day fixed therefore by the solid waste manager. Public notice shall be given of any change of collection day. City collection personnel shall not provide service if denied reasonable access by parked vehicles, equipment, fixed objects, low hanging wires or other obstructions.

(2) The following rules shall apply for the removal of solid waste:

- a. No wooden boxes, barrels, or any other wooden receptacle, or any other receptacles except approved containers shall be used for collection of wet or dry garbage or recyclables. Solid waste collectors shall be required to remove all such wooden boxes and other receptacles, if so used.
- b. For the purpose of collection, placement of containers will be at ground level, and the use of underground containers will not be permitted save those existing prior to November 1, 1982.

(d) *Removal of containers following collection.*

(1) All containers or carriers placed on any street to be emptied shall, within twelve (12) hours after the contents thereof are emptied and collected, be removed from such street to the rear of the premises by the owner or occupant of the premises from which such container came to a storage place provided for that purpose, which storage place shall be nearer to the house or building located on the premises than to any street abutting such premises or to any lot line.

(2) No solid waste containers or any form of movable carriers shall be placed, kept or left on any street for any purpose whatsoever on Saturday or before dusk on Sunday.

(3) Any solid waste container or any form of movable carrier placed or found in violation of this section will be deemed a public health hazard and reported to the county environmental health division and be subject to the fine outlined in this chapter.

(4) It shall be unlawful to willfully break or cause damage to any city owned automated container. Any person or entity violating this section shall be required to purchase a replacement container from the city and may also be subject to the civil penalties as outlined in this chapter.

(e) *Spilled materials.* Spilled materials or overflow not caused by city collection crews shall be cleaned up immediately after such spillage or overflow by the property owner or occupant. Spilled solid waste materials caused by city collection crews shall be cleaned up immediately after such spillage occurs by said crew.

(f) *Yard waste collection service.*



(1) Yard waste collection shall be provided to residential units and small businesses served by the automated curbside collection system as approved by the solid waste manager or designee. Yard waste collection shall be provided once a week. ~~Multi-family~~ Residential units having refuse stationary containers (dumpsters) which are serviced by the city may also receive yard waste service if the yard waste is properly prepared as referenced below and brought to the city curb line.

Yard waste collection will not be provided to commercial establishments or industries.

(2) Yard waste shall be separated from all other refuse prior to collection. Collection forces shall collect yard waste as stated in (f-1) above so long as it is properly prepared or containerized and in compliance with these regulations.

a. Grass clippings, small shrubbery clippings, leaves, and other small lawn debris shall be collected at the curbside provided that they are placed in clear plastic bags or approved containers for collection. Such bags shall be clear or transparent, in good condition and of such size and weight that when full, do not weigh more than fifty (50) pounds each and are such that one (1) individual can easily pick up each bag, one (1) at a time, for disposal. Plastic bags shall be secured at the top when placed at the curbside for collection.

b. Other approved containers used for yard waste shall have tight-fitting lids, equipped with strong handles, and shall not exceed thirty-two (32) gallons in size or fifty (50) pounds in weight when filled. All yard waste containers shall be furnished by the owner or occupant and be made of metal or plastic.

c. Limbs and large shrubbery to be collected by city collection forces shall be no longer than five (5) feet in length and tied in bundles not to exceed fifty (50) pounds in weight and placed in an orderly manner at the curb. Binding used to secure the bundles shall be strong enough to sustain fifty (50) pounds in weight. Other yard waste items not suitable for tying in bundles must be placed in an approved container.

d. City forces will not collect yard waste and yard debris from large landscape projects performed by landscaping companies unless the yard waste is properly prepared as stated in paragraph 25-13 (f-1 through f-2).

e. Tree trunks or tree stumps that cannot be readily loaded by two (2) people will not be collected by city collection forces.

f. Loose leaves shall be collected at the curbside by city forces from November through the second Wednesday in January. All other times during the year, leaves shall be bagged or containerized in approved containers.

(g) *Large appliance (white goods) collection.* Collection of large appliances (white goods) shall be provided as follows:

(1) White goods collection will be provided to residential units and small businesses served by the automated curbside collection system as approved by the solid waste manager or designee.

(2) White goods collection will not be provided to commercial establishments or industries.

(3) White goods collection will not be provided to ~~attached multi-family~~ residential units where a landlord/property owner provides the appliances.

a. Appliance collection will be provided to individual tenants for appliances they personally own (those not supplied by the landlord) if the ~~multi-family~~ residential complex has refuse stationary containers (dumpsters) which are serviced by the city.

b. Appliances individually owned by a tenant will only be collected if the appliance is brought to the closest city curb line. Appliances can not be placed near or in any stationary container (dumpster). All other collection procedures as outlined in this section must be adhered to.

(4) Appliance collection shall be provided once per week.

(5) Residents must call the solid waste management division in order to schedule an appointment for appliance collection.

(h) *Bulk trash.*

(1) Bulk trash collection shall be provided to residential units and small businesses served by the automated curb side collection system as approved by the solid waste manager or designee.

Bulk trash collection shall be provided once per week.

**Multi-family** Residential units having refuse stationary containers (dumpsters) which are serviced by the city may also receive bulk trash service if the bulk trash is properly prepared as referenced below and placed at the closest city curb line.

Bulk trash service will not be provided to large commercial establishments or industries.

- a. Bulk trash shall be placed to the curb by 7:00 a.m. on the collection day to assure pickup.
- b. Bulk trash must be separated from all other refuse prior to collection.
- c. Bulk trash that cannot be readily loaded by two (2) people or is too large to be placed in the collection vehicle will not be collected by city forces.
- d. All glass in windows, doors, mirrors and other items with large expanses of glass must have the glass taped with an "X" mark so it will not shatter in the collection process.
- e. Gasoline and/or oil must be removed from all lawn equipment prior to collection.
- f. Oxygen tanks and other medical equipment; propane tanks; all oil tanks used for household purposes parts of campers, boats, camper shells, trailers; automotive parts, including but not limited to motors, doors, fenders, car seats or batteries from a residentially used premise, etc. shall not be collected by the city forces.
- g. Carpet and padding shall be collected provided the carpeting is rolled and tied in sections no longer than five (5) feet so that two (2) individuals can easily pick up the sections for disposal.
- h. Overflow volumes of wet and dry garbage will not be collected as bulk trash.
- i. No building materials or refuse from building operations, construction materials or remodeling projects generated by or performed by a professional contractor will be collected by city forces. The contractor is responsible for disposal.  
(Solid waste forces will collect building materials from small remodeling projects done by the homeowner; up to two (2) 32-gallon container capacity per project)
- j. Off-street special collection of bulk trash is available for an extra fee. Notification must be made to the solid waste management division in order to schedule an appointment for service.

(2) The solid waste manager or his designee shall have the authority to require items to be prepared for ease of collection and to assure the safety of the employees performing the collection task. Any item not prepared properly may be refused for collection at the solid waste manager's or his designee's discretion.

**(3) Owners/customers who become eligible for service under this Section as of March 1, 2005 shall receive it as resources become available to perform the service but in no event later than March 1, 2007.**

(Ord. No. 96-37, § 1, 4-16-96; Ord. No. 00-222, § 2, 12-5-00)

Section 3. Section 25-14 of the Greensboro Code of Ordinances shall be amended to read as follows:

**Sec. 25-14. Stationary container collection services (Dumpster service).**

City served ~~multifamily residential~~ units and businesses ~~not otherwise eligible for curbside service~~ will be provided collection through the use of city approved stationary containers under the following conditions:

(a) *Stationary container collections scheduling.* City served stationary container collection services will be provided in accordance with the solid waste management division operating plan as designated by the solid waste manager or his designee. Variations must be approved by the solid waste manager or his designee.

(b) *Approved stationary containers.* All owners ~~of multifamily [units] and businesses eligible for this service~~ shall provide a city approved stationary container for service by city collection vehicles. The container capacity shall not be less than six (6) cubic yards nor greater than eight (8) cubic yards and shall not exceed eight thousand (8,000) pounds of gross weight when filled.

(c) *Placement of containers.* The required stationary container shall be located to permit convenient and safe access by the servicing vehicle and shall be aesthetically pleasing. The container location shall permit access using all-weather streets and alleys of adequate strength and to reasonably minimize excessive walking distances for tenants and occupants. Site construction shall be in conformance with the drawing titled "Stationary Container Location Standards" contained in "Dumpster Pad Standards Drawing No. D-

2075." The location of the container shall be placed in a manner as to allow the service vehicle operator to service the container, backup and depart without having to exit the vehicle or make unnecessary maneuvers. Approval for city collection will not be made if safe and reasonable access is denied by gates, fixed objects, low hanging wires, or other obstructions.

(d) *Spilled materials.* Spilled materials or overflow not caused by city collection crews shall be cleaned up immediately after such spillage or overflow by the property owner or occupant. Spilled solid waste materials caused by city collection crews shall be cleaned up immediately after such spillage occurs by said crew.

(e) *Conditions for commercial collection for ~~multifamily~~ residential units.*

(1) The owner or owners of a ~~multifamily residential unit or a group of multifamily residential unit or~~ units in the same complex, ~~wherein there are eight (8) or more living units either in a single building or in the complex treated as a unit, not otherwise eligible for service under Section 25-13,~~ shall install and maintain city approved stationary containers according to the following specifications:

- a. There shall be a minimum of one 6-cubic yard stationary refuse container for each ~~multifamily residential unit or~~ aggregate of residential units which contains eight (8)--sixteen (16) living units.
- b. There shall be a minimum of one 8-cubic yard stationary refuse container for each ~~Multifamily residential unit or~~ aggregate of residential units which contains seventeen (17)--twenty-four (24) living units.
- c. Additional stationary refuse containers shall be installed and maintained as a minimum in the same ratio as herein set forth in subparagraphs (a) and (b) where ~~a multifamily an~~ aggregate of residential units ~~or a group or complex of multifamily residential units~~ contains (25) twenty five or more.

(2) Applicability to new customers. All of the provisions of this section shall apply to all new construction, alterations or conversion of ~~multifamily~~ residential units ~~and groups of same~~ for which any building permit shall be or has been issued after April 16, 1996 where the ~~multifamily residential unit(s) or group or complex of same will contain more than eight (8) living units that is not eligible for service under Section 25-13;~~ and no building permit shall be issued after April 16, 1996, for construction, alteration or conversion of a building or group or complex of buildings falling within the application of this section unless and until a plan approved in writing by the director of environmental services or designee as showing adequate provision for installation of containerization of refuse as required by this section shall be furnished by the owner or developer; and no such ~~multifamily~~ residential unit(s) ~~or group or complex of same~~ to which this section applies shall be constructed, altered or converted after April 16, 1996, without providing for the use and maintenance of stationary refuse containers under the specifications in this section.

(3) ~~Option at~~ Applicability to existing buildings, stationary containers; individual city approved containers; automated service. The association, agent or owners representing ~~multifamily~~ residential units not otherwise eligible for service under Section 25-13 and for which building permits were issued prior to December 1, 1984, may install stationary refuse containers under the same regulation as new customers or, if they were not a part of the stationary container collection program, they may choose collection of individual city approved containers, provided the containers are placed in the location approved by the solid waste manager or his designee and all units are receiving the same type of service. If permits were issued prior to the above stated date for only a portion of a development, the remainder of the units built and platted in the phase may have the same rights and privileges. Charge for individual private collection service shall be outlined under section 5-21.

(4) Stationary recycling containers. To participate in the "Recycle Greensboro" program, variations outlined in subsection (e)(1)a, b, and c of this subsection must be approved by the solid waste manager or his designee.

(5) Stationary packing units providing equivalent storage capacity to that required under subsection (e)(1) a, b, and c of this subsection are permitted. Weight of containers shall not exceed the lifting capacity of loading arms on collection vehicles, eight thousand (8,000) pounds maximum.

(f) *Conditions for stationary container collection for nonresidential use.*

(1) ~~Attached Business unit. Where For an attached a~~ business unit or a group of ~~attached business units in the same complex not otherwise eligible for service under Section 25-13 comprise more than eight (8) businesses~~, stationary refuse containers shall be provided by the owner or owners at such business or complex according to the provisions as set forth in subsection (e)(1) through (5),. This section and shall apply to all ~~attached~~ business units existing as of April 16, 1996. The provisions as set forth in subsection (e)(1) through (5), shall apply on all attached business units existing on December 1, 1984.

(2) Business unit. Where refuse accumulates at any business unit, place or location in quantities of more than two (2) ninety-gallon automated refuse containers (180 gallons) between collections, the owner or owners in charge shall be required to provide a stationary refuse container. The size of the container shall be determined by the solid waste manager or his designee.

(Ord. No. 96-37, § 1, 4-16-96; Ord. No. 00-222, § 3, 12-5-00)

Section 4. That all laws and clauses in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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Councilmember Burroughs-White moved adoption of the ordinance amending in the amount of \$581,000 the Solid Waste Management Fund Budget for FY 04-05 for Solid Waste Collection of attached units. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

05-51 ORDINANCE AMENDING THE SOLID WASTE MANAGEMENT FUND BUDGET FOR FY 04-05 FOR SOLID WASTE COLLECTION OF ATTACHED UNITS

Section 1:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Solid Waste Management Fund budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the Solid Waste Management Fund budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
551-6507-02. 5239	Miscellaneous Supplies	\$ 60,000
551-6507-02. 6051	Licensed Vehicles	\$160,000
551-6507-04. 5242	Licensed Vehicle Maintenance and Supplies	\$ 1,000
551-6507-04. 6051	Licensed Vehicles	\$140,000
551-6507-06. 5239	Miscellaneous Supplies	\$ 60,000
551-6507-06. 6051	Licensed Vehicles	<u>\$160,000</u>
Total		\$ 581,000

and, that this increase be financed by increasing the following Solid Waste Management Fund budget account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
551-0000-00.8900	Appropriated Fund Balance	<u>\$581,000</u>
Total		\$581,000

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) Claudette Burroughs-White

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Mayor Holliday introduced a resolution in support of Regional Planning Strategy for the Central Area of the Piedmont Triad Region.

Council discussion was held with regard to the excellent work of Mr. Hails and other Triad municipal planning representatives in the preparation of the Regional Planning Strategy and their concurrence that the Triad should move forward to maximize the region's potential, the need for further study managed growth in the Triad, and Councilmember Perkins' leadership in this effort.

Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

52-05 RESOLUTION IN SUPPORT OF REGIONAL PLANNING STRATEGY FOR THE CENTRAL AREA OF THE PIEDMONT TRIAD REGION

WHEREAS, the central area of the Piedmont Triad region is constantly under rapid change and increasing pressure for new development;

WHEREAS, it is recognized that the area is mostly undeveloped or underdeveloped and local jurisdictional plans are not coordinated and consistent with a regional approach to promoting orderly, high quality growth and development, and has a number of significant infrastructure and governance issues to be resolved;

WHEREAS, representatives of Forsyth County, Guilford County and the Cities of Greensboro, High Point, Kernersville, and Winston-Salem requested the planning directors in the region and the executive director of PART to (1) identify the issues, and (2) develop a plan of action that would include regional strategies and a development plan for the central area of the Piedmont Triad region;

WHEREAS, the planning directors have identified the issues and they have advised that a Regional Planning Strategy be developed addressing the following issues:

- Provision of and assurance of adequate urban services to serve the area
- Enhancing the transportation infrastructure
- Establishing land use policies
- Investigating public/private partnerships
- Conducting a marketing or branding study for the region
- Developing design standards and guidelines
- Understanding the cost and revenues associated with development of the area
- Exploring management, governance, and ownership options to direct development of the area

WHEREAS, the Regional Planning Strategy developed by the planning directors was approved by the majority of the elected officials of Forsyth and Guilford Counties and the Cities of Greensboro, High Point, Kernersville, and Winston-Salem in attendance at a meeting held of the 8<sup>th</sup> day of December, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Regional Planning Strategy that leads to strategies and a development plan for the central area of the Piedmont Triad Region is hereby approved.

(Signed) Thomas M. Phillips

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Mayor Holliday introduced a motion approving expenditure of up to \$1,500 from Council Contingency Fund to pay for printing and postage for a luncheon recognizing Women in Law Enforcement.

Council discussion was held with regard to the absence of two members of Council at this meeting, the fact that Council had not received requested information with regard to the level of financial contributions from other municipalities whose law enforcement personnel were eligible for recognition at this event. After the Manager advised it was his understanding that this event had been changed to a date later in the year that would allow additional time for Council's consideration, Councilmember Phillips moved to continue the motion to the March 15, 2005 City Council meeting. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

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Nader Hamidpour, residing at 806 5<sup>th</sup> Avenue, offered his personal opinion with regard the City's policy for water liens on rental property and expressed concern with the impact on property owners.

Council discussion was held with regard to the existing policy and the success of the City's current collection rate due to the water liens; that the change to the shorter water billing cycle should have a positive impact on owners of rental properties; and the amount of the current water deposit and whether the policy should be reviewed to determine if changes were appropriate. The Manager advised that staff would review and bring recommendations for Council's consideration.

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Council discussed various items and events of interest, including a bake sale at the library, the upcoming Women's ACC basketball games at the Coliseum, the next Rental Unit Certificate Advisory Board meeting, and the March 3 Guilford County Legislative Delegation meeting. Greetings were sent to the City Attorney.

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Councilmember Vaughan added the name of Kenneth Allen Free to the boards and commissions data bank for consideration for future service on the Parks and Recreation Commission.

Councilmember Vaughan provided an update with regard to the positive reaction of the North Carolina General Assembly members to the location in Greensboro of an Atlantic Coast Conference (ACC) Hall of Fame.

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Councilmember Burroughs-White confirmed that Shirley Foster's name had been added to the data bank for consideration for future service.

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Councilmember Carmany moved to appoint Lisa McLain to the Rental Unit Certificate Advisory Board to fill the unexpired portion of term of Emily Jones, resigned; this term will expire 1 January 2008. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

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Councilmember Gatten read into the minutes a prepared statement with regard to the funding for the St. James II apartment project and citizens concerns about the taxpayer dollars invested and the charges of racism that have been leveled first against the entire City staff and now, more specifically at the City housing program. (A copy of the prepared statement is filed in Exhibit Drawer P, Exhibit Number 5, which is hereby referred to and made a part of these minutes.)

Council discussed various opinions and concerns with respect to this matter. Councilmember Phillips noted that Council had asked for specific information with regard to the allegations of racism by City staff but had received no information to date.

Councilmember Perkins offered his thoughts with regard to the City's process to provide equitable, affordable housing for citizens and spoke to the need to move forward and communicate with the public to ensure support of affordable housing.

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Councilmember Gatten offered for Council's consideration of a policy proposal regarding the opening segment of the agenda as a courtesy to citizens who attend the for public hearing items to ensure they will not have to wait through lengthy presentations.

Noting an increase in the number of requests from groups who want to be placed at the beginning of the agenda, the Manager explained that many groups want to come and speak at meetings but don't want to wait until after the public hearing and business items have been heard.

After brief discussion with regard to the proposal, including that the policy would clarify for the Manager the process to add items to the agenda and that the proposed policy would apply to resolutions honoring the memory of citizens, it appeared to be the consensus of Council that this proposal would be added to the March 15, 2005 agenda for Council's consideration.

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Councilmember Gatten noted she had received a suggestion from a citizen that Greensboro residents might get a price reduction on Coliseum parking and explained the manner in which this might be processed. Councilmember Carmany noted that this had been discussed by the War Memorial Commission and emphasized that this would significantly increase the deficit at the facility because most of the income revenue stream was derived from parking and concession fees. She expressed concern that this would negatively impact Greensboro taxpayers.

Councilmember Gatten added the name of Elizabeth Carter to the boards and commissions data bank at the recommendation of Leadership Greensboro. (It was determined after the meeting that this individual is a resident of High Point, NC and is not eligible to serve on a Greensboro board or commission.)

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Noting the Community Foundation's return of money to the City last year, Councilmember Phillips offered his opinion for the need for accountability of expenditures for loans and grants; he requested the Council to consider changing Council's policy regarding organizations that use City funds to make loans or grants to require that these loans and grants come back for final approval by the City Council.

Discussion was held with regard to the need for Council's accountability as expressed by Councilmember Phillips, specific organizations this action would impact, the manner in which these loans and grants could be listed on the agenda for Council's consideration, possible wordings for the proposed motion, etc. After the Manager's inquiry with regard to funds allocated to Downtown Greensboro, Inc. for the specific purpose of making façade grants, Councilmember Phillips responded that since that action was taken by Council, he didn't believe this presented a problem.

Councilmember Phillips moved that Council adopt the following policy. The motion was seconded by Councilmember Gatten; the policy was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

"Resolved, that in order to insure accountability for the expenditure of City funds the City Manager is hereby instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000.00 which are to be disbursed through the City budget as direct loans or grants, or pass through loans or grants on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City, for final Council approval before such funds are disbursed."

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Councilmember Phillips discussed his thoughts and concerns with regard to the City's recycling process and the financial impact (net cost per ton to ship away) that a recycling stream polluted with materials that did not meet the City's criteria for recycling would have after the implementation of the new transfer station.

Deputy City Manager Mitchell Johnson provided information with regard to the current recycling process, detailed the two primary streams—commercial and household, the process to handle polluted recyclables, the City's plans to enhance the inspection of recycling containers and address violations, and the staff's efforts to increase communication with the public about the recycling program.

After Councilmember Phillips requested cost information with regard to the polluted recycling stream, Deputy City Manager Johnson advised that staff would provide additional information.

After comments by Councilmember Phillips, brief discussion was held with regard to the lead removal program and possible ramifications to homeowners of older homes.

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Mayor Holliday added the names of Ralph Simpson and Larry G. Standley to the boards and commissions data bank for consideration for future service.

The Mayor noted the Transportation Department had forwarded a cover letter and the resolution adopted by Council on February 15, 2005 requesting the North Carolina Department of Transportation (NCDOT) review of the intersection of Youngs Mill Road and Perth Place for intersection improvements and/or traffic control device enhancements to NCDOT for their review.

Mayor Holliday advised that he and Councilmember Vaughan would attend the upcoming National League of Cities Annual Conference.

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At the City Manager's request, Councilmember Vaughan moved that the City Council adjourn to Closed Session for the purpose of consulting with the City Attorney, considering and giving instructions to the City Attorney with regard to legal claims, and a personnel matter. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 7:54 P.M.

KEITH A. HOLLIDAY  
MAYOR

JUANITA F. COOPER  
CITY CLERK

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